

Arkansas Burial Association Board

MINUTES

Tuesday, October 29, 2013, 11:00 am
101 East Capitol, Little Rock, AR
Conference Room C
Board Meeting

Chairman Normal Gilchrest called the meeting to order. Members present were: Vice-Chairman Steve Ballard, Dr. Jacki McCray, Scott Berna, Charles "Chuck" Dearman, and R. W. Ocker. Members absent were: Pete Sims, Melanie Heath Posey, and Sammie "Turner" James. Staff present: Amy S. Goode, Executive Secretary, James R. Brooke, Auditor and assistant attorney general Kat Hodge, Board Counsel.

1. Introduction of the Board and guests, meeting called to order

2. Approval of August 2013 Minutes

Motion made by Berna to approve the August 2013 minutes as written and distributed, seconded by McCray, all in favor. Motion carried.

3. Approval of the August and September 2013 Trial Balance and DF&A Financial documents

Motion made by Ballard to approve the August and September 2013 Trial Balance and DF&A Financial documents, seconded by Berna, all in favor. Motion carried.

4. Board Discussion

a. Hank McNabb – Mr. McNabb was unable to attend.

b. Rule Committee Update

Executive Secretary updated the Board that the committee met Thursday, October 10th via teleconference. The committee discussed several rules and a few required a lengthy discussion. There was a representation from a few associations and also Jackie Harris was in attendance. The committee could not come to agreement on the proposal Mr. Harris had submitted on Dissolution. The committee will schedule future meetings to discuss the any additional proposal concerning this making.

Motion made by McCray to accept the changes proposed by the rule committee, seconded by Ballard, all in favor. Motion carried.

c. Fee Committee Update

Executive Secretary stated that the committee did not have a proposal at this time for the Board to consider. The committee met Tuesday, October 8th via teleconference and again Friday, October 25th. The committees members present at the last meeting were the staff and attorney. Executive Secretary asked Mr. Ballard to join since he was local and would help provide for good discussion. There were two options the committee members needed to consider. Executive Secretary will plan another future meeting via teleconference.

Ms. Hodge provided the information concerning the two proposals. The members present were in agreement with the smallest proposed increase that would cost associations essentially less than a penny a year taking into consideration the last increase was in 1996. That Ms. Goode had compiled a thorough report for the committee to consider that covered a five year history. There were participants on the conference call that had concern this would be a band aid, but this smallest increase would net the Board additional revenue needed and a committee

will be formed to review in 3-5 years. There were concerns about smaller associations that aren't thriving being able to afford an increase and that some of the larger associations do have options to convert to insurance, if the fees get too high. The parties participating in opposition of a fee increase thought the Board should contact the governor's office or legislature to discuss reconstruction of the Board or ask for general revenue funding. The committee members present were in agreement with smallest increase and then if after a review in 3-5 years that is not sufficient seeking recourse through the legislature or governor's office. However, the committee will meet again so that all members of the committee can be in agreement of the proposal.

d. Attorney Update

Drew County Burial Association lawsuit is still pending. Mr. Harris was present at the rules committee meeting with a proposal on dissolution for the committee to consider. The committee had very good discussion on this idea of allowing burial associations to dissolve other than through insurance. The committee raised very good questions and concerns. Mr. Harris took the committee's concerns and has a new proposal for the committee to consider. There is currently a stay in court on the case to see if we could get a rule. The committee will schedule future meetings to discuss this rule.

5. Raymond Family V. Liberty Burial Association, Lawrence Tolerson, Secretary-Treasurer

Executive Secretary explained to the Board the conversations that had taken place with Tolerson, the Raymond family, and the servicing funeral home Rhodes & Sons. Motion made by Berna to table complaint until Executive Secretary contacts the servicing funeral home to file a claim with the association and if it is denied the Board can then consider the complaint, seconded by Ocker, all in favor. Motion carried.

6. New Business – Javier Buck - Stuttgart Home Judgment

The Board voted to forgive the interest if the \$625 was paid and it has been paid, but because we have a judgment in circuit court for the amount of \$22,125 plus accrued interest; the Board needs to enter a settlement agreement between Buck and the Board to forgive the interest. Motion made by Dearman to have attorney draft a settlement agreement, seconded by Berna, all in favor. Motion carried.

7. Next Meeting

The Board will meet Tuesday, December 3, 2013 @ 10:00am immediately following the Club of Burial Associations Annual Meeting.

8. Adjournment

Motion made by Ballard to adjourn since there was no further business to discuss, seconded by Berna, all in favor. Motion carried.

ATTEST:

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